

# A Resolution

NO. 3588-03-2008

**WHEREAS**, , there are legal issues concerning the Availability and Disparity Study performed in anticipation of amending the City's Minority and Women Business Enterprise Ordinance; and

**WHEREAS**, because of the extraordinary importance of those issues, it is necessary to retain outside legal counsel to assist the City Council; and

**WHEREAS**, Franklin M. Lee of the law firm of Tydings & Rosenberg, LLP, has expertise in the area of constitutional law concerning availability and disparity studies.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT WORTH, TEXAS:**

1.

That Franklin M. Lee, pursuant to Chapter VI, Section 3, of the City Charter, is employed to assist the City Attorney's Office in providing legal consultation to the City Council in connection with the legal issues concerning the Availability and Disparity Study performed in anticipation of amending the City's Minority and Women Business Enterprise Ordinance.

2.

That, as for as practicable, the compensation to be paid to Franklin M. Lee for his services is hereby fixed in an amount not to exceed \$100,000.00

Adopted this 4th day of March 2008.

ATTEST:

By: Marty Hendrix  
Marty Hendrix, City Secretary

APPROVED  
CITY COUNCIL

MAR 04 2008

Marty Hendrix  
City Secretary of the  
City of Fort Worth, Texas



**CITY OF FORT WORTH**

*City of Fort Worth, Texas*  
**Mayor and Council Communication**

---

**COUNCIL ACTION: Approved on 3/4/2008 - Res. No. # 3588-03-2008**

---

**DATE:** Tuesday, March 04, 2008  
**LOG NAME:** 17MWBELEGAL

**REFERENCE NO.: \*\*G-16068**

**SUBJECT:**

Adopt Resolution Authorizing Increasing the Maximum Amount to be Paid to Franklin M. Lee, Tydings & Rosenberg, L.L.P., to Assist the City on Issues Related to the Availability and Disparity Study Performed in Anticipation of Amending the City's Minority and Women Business Enterprise Ordinance

---

**RECOMMENDATION:**

It is recommended that the City Council adopt the attached resolution authorizing up to an additional \$100,000 be paid to Franklin M. Lee, Tydings & Rosenberg, L.L.P., to aid the City with legal issues related to the Availability and Disparity Study and subsequent findings in anticipation of amending the City's Minority and Women Business Enterprise (M/WBE) Ordinance.

**DISCUSSION:**

The City's M/WBE Ordinance requires the City Council to regularly determine whether there is a continuing need for a program through relevant findings, and, if necessary, repeal in whole or in part or enact appropriate amendments to the Ordinance.

The Availability and Disparity Study ("Study") provides those relevant findings by way of a legal and statistical analysis of the procurement activities of the City of Fort Worth and the surrounding marketplace as required by the U. S. Supreme Court. It will identify and statistically quantify whether M/WBEs are underutilized in the procurement of goods and services compared to their marketplace availability. The Study includes reviewing and assisting in formulating recommendations, including the overall M/WBE goal, for structuring and implementing an M/WBE program that conforms to court rulings.

On August 9, 2007, (M&C G-15804) the City Council approved Franklin M. Lee, Tydings & Rosenberg, L.L.P., legal counsel to aid the City of Fort Worth on issues related to the Availability and Disparity Study, and authorized payment for his services in an amount not to exceed \$10,000.

It is anticipated that in addition to the \$10,000 originally authorized by the City Council, an additional sum of \$100,000 will be needed for this project. Accordingly, it is recommended by the City Attorney that the total amount authorized to be paid to Franklin M. Lee, Tydings & Rosenberg, L.L.P., for his services to be increased in an amount not to exceed \$110,000.

**FISCAL INFORMATION/CERTIFICATION:**

The Finance Director certifies that funds are available in the current operating budget of the General Fund.

**TO Fund/Account/Centers****FROM Fund/Account/Centers**GG01 539120 0175000\$100,000.00

---

**Submitted for City Manager's Office by:**

Tom Higgins (6140)

**Originating Department Head:**

David Yett (7606)

**Additional Information Contact:**Charlene Sanders (7611)

---